

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ERIC GALLOWAY,

Plaintiff,

v.

NICK LUDWICK,

Defendant.

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Case No. 2:07-cv-15242

HONORABLE STEPHEN J. MURPHY, III

**ORDER AFFIRMING AND ADOPTING REPORT AND RECOMMENDATION  
(docket no. 14) AND DISMISSING THE PETITION FOR WRIT OF HABEAS CORPUS**

The Petition for Writ of Habeas Corpus was filed on December 10, 2007 by a Michigan prisoner, Eric Galloway, pursuant to under 28 U.S.C. § 2254. Before the Court is a Report and Recommendation of Magistrate Judge Donald A. Scheer, filed on March 31, 2009. The magistrate judge's report and recommendation recommended that the petition be dismissed because there was no substantial showing of any violation of the petitioner's constitutional rights, and no basis to find any unreasonable application of clearly established federal law by the state courts. The Magistrate Judge also notified the parties that any objections must be filed within ten days of service. No party has filed objections to the report and recommendations and the time for filing objections has lapsed.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Scheer's report and recommendation, see 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court need not and will not conduct a review.

**ACCORDINGLY, IT IS HEREBY ORDERED** that the Report and Recommendation [docket entry 14] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

**IT IS FURTHER ORDERED** that the instant Petition for Writ of Habeas Corpus is **DISMISSED**.

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: October 30, 2009

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 30, 2009, by electronic and/or ordinary mail.

Alissa Greer  
Case Manager